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PART IV.

Section I-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. E.B. 15915—Eln 95-51-3, dated Bangalore, 19th—21st January 1952.

Ordered that the accompanying Notifications No. S.R.O. 69, dated the 10th January 1952, and S. R. O. No. F. 134(3)/51-c., dated the 11th January 1952, of the Ministry of Law, Government of India, making amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW

NOTIFICATION.

New Delhi, the 10th January 1952.

S.R.O. 69.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following amendments in

the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

1. After rule 34 of the said Rules, the following rules shall be inserted, namely :—

"34A. **Disposal of ballot boxes, etc., on adjournment of poll.**—If the poll is adjourned under section 57 at any polling station, the provisions of rules 32, 33 and 34 shall apply in relation to the poll so adjourned as they apply in relation to a poll closed in accordance with the provisions of sub-rule (2) of rule 17.

34B. **Special procedure regarding recommencement of an adjourned poll.**—(1) Where a poll adjourned under sub-section (1) of section 57 recommences under sub-section (2) of that section, the electors who have already voted at the poll so adjourned before the adjournment shall not vote again after its recommencement.

(2) When an adjourned poll is recommenced at any polling station the ballot boxes which have been already used at the poll before its adjournment and have been sealed and delivered to the Returning Officer after the adjournment shall not be used but new ballot boxes shall be provided at such polling station, and the procedure laid down in rules 19 and 21 shall be followed in relation to such new ballot boxes.

(3) The Returning Officer shall cause to be delivered to the presiding officer of the polling station at which such adjourned poll is to recommence the sealed packets of—

(i) the unused ballot papers;
(ii) the marked copy of the electoral roll;
(iii) the tendered votes list; and
(iv) the list of challenged votes,

which were received by the Returning Officer from the presiding officer of the polling station at which the poll was adjourned.

(4) The presiding officer shall before the recommencement of the poll open, in the presence of any candidates or their election or polling agents who may be present at the polling station, the sealed packets received by him under sub-rule (3) and shall make them available for use for the taking of the adjourned poll.";

2. In clause (b) of rule 40 of the said Rules, after the word, brackets and letter "clause (b)" the words, brackets and letter "or clause (e)" shall be inserted.

3. In rule 54 of the said Rules—

(*a*) in the second proviso, for the words "close of the poll" the words "close or adjournment of the poll" shall be substituted;

(*b*) the following proviso shall be added at the end, namely :—

"Provided also that rule 34B shall have effect as if for the reference in sub-rule (2) thereof to rules 19 and 21 the reference to rule 56 were substituted and in the reference in sub-rule (3) of the said rule 34B to the sealed packets to be delivered to the presiding officer the reference to the sealed packet of the counterfoils of ballot papers were included.";

4. After rule 82 of the said Rules, the following rules shall be inserted, namely :—

"82A. **Disposal of ballot boxes, etc., on adjournment of poll.**—If the poll is adjourned under section 57 at any place fixed therefor, the provisions of rule 82 shall apply in relation to the poll so adjourned as they apply in relation to a poll closed in accordance with the provisions of sub-rule (2) of rule 76

82B. **Special procedure regarding recommencement of an adjourned poll.**—(1) Where a poll adjourned under sub-section (1) of section 57 recommences under sub-section (2) of that section, the electors who have already voted at the poll so adjourned before the adjournment shall not vote again after its recommencement.

(2) When an adjourned poll is recommenced at any place fixed therefor the ballot boxes which have been already used at the poll before its adjournment and have been sealed after the adjournment shall not be used, but new ballot boxes shall be provided at such place and the procedure laid down in rule 75 shall be followed in relation to such new ballot boxes.

(3) The returning Officer shall before the recommencement of the poll open, in the presence of any candidates or their election or polling agents who may be present at the place fixed for the poll, the sealed packets of—

(i) the unused ballot papers;

(ii) the marked copy of the list of electors containing receipts of the electors that ballot papers have been obtained by such electors; and

(iii) the counterfoils of ballot papers,

which were used at the place at which the poll was adjourned and were sealed after the adjournment of such poll and shall make them available for use for the taking of the adjourned poll."

5. In Schedule I to the said Rules, in clause (b) of paragraph 4 of the instructions in Form 11, after the words "or the wife of such person" the words, brackets and figures "or is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot" shall be inserted.

[No. F. 134(3)/51-C.]

S.R.O. 70.—*Corrigendum.*—In the Delimitation of Parlimentary and Assembly Constituencies (West Bengal) Order, 1951, as modified by Parliament, the following correction shall be made:—

"On page 5, in Table A—Parliamentary constituencies, against 'Calcutta South-West' in column I, *for* 'Tollygunge and Behala police stations' in column 2 *read* "Tollygunge Municipality, Behala police station and Tollygunge police station (excluding Tollygunge Municipality)".

[No. F. 85(9)/51-C.]

S. N. MUKERJEE, Joint Secy.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 11th January 1952.

NOTIFICATION.

S.R.O....—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely:—

1. After rule 34B of the said Rules, the following rule shall be inserted, namely:—

"34C. *Special procedure for dealing with ballot boxes after close of poll in certain cases.*—(1) Notwithstanding anything contained in these Rules, the Election

Commission may, at any time after the close of the poll at any polling station and before the commencement of the counting of ballot papers contained in the ballot boxes used at such polling station direct the Returning Officer to follow the procedure laid down in this rule with regard to such ballot boxes and the ballot papers contained therein.

(2) Upon receipt of a direction under sub-rule (1), the Returning Officer shall, as soon as practicable, appoint a date for the purpose of dealing with the ballot boxes and the ballot papers contained therein in the manner hereinafter provided, and shall fix the place and time at which they shall be so dealt with, and shall give notice thereof to each candidate and his election agent.

(3) On the date and at the time and place so appointed, the Returning Officer shall satisfy himself that all the ballot boxes used at the polling station have been received and that none of them has in fact been tampered with and shall, at the same time, allow such candidates and election agents as are present an opportunity to inspect the ballot boxes and the seals thereof.

(4) If it is found by the Returning Officer that any of the ballot boxes has in fact been tampered with, he shall seal and secure it in the manner provided in sub-rule (1) of rule 32 and keep it separate.

(5) He shall then open one after the other the remaining ballot boxes, and if no ballot box is found to have been tampered with, all the ballot boxes. After each ballot box has been so opened, he shall transfer all the ballot papers contained in it, without examining or counting them, to a separate cover, and shall indicate on such cover—

(i) such particulars as will identify the ballot box in which such ballot papers were found ;
(ii) the name of the candidate to whom such ballot box was allotted ;
(iii) the name of the polling station and the number of the polling booth, if any, where such ballot box was used ; and
(iv) the date of the poll.

He shall thereafter allow the candidates and election agents who may be present an opportunity to inspect such ballot box to satisfy themselves that all the ballot papers contained therein have been transferred to the cover. The cover shall thereafter be sealed with the seals of the Returning Officer and of any candidates or election agents who may wish to affix their seals thereon. All such covers shall thereafter be kept together by the Returning Officer in safe custody until the commencement of the counting of votes."

2. In sub-rule (1) of rule 46 of the said Rules, after paragraph (ix), the following paragraph shall be inserted, namely :—

"(x) In any case where, after the close of the poll, the ballot papers contained in the ballot boxes used at a polling station have been transferred to sealed covers under rule 34C, every reference in this rule to such ballot boxes shall be construed as including a reference to the sealed covers, and every reference to ballot papers contained in such ballot boxes shall be construed as including a reference to the ballot papers contained in the sealed covers."

[F. 134 (3)/51-C]

K. V. K. SUNDARAM,
Secretary.